UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,   )
)
      Plaintiff,   )
)
v.   )   Case No. 4:11CR246 CDP-1
)
JAMES C. SMITH(1),   )
)
      Defendant.   )

<u>ORDER</u>

This matter is before the Court on defendant James C. Smith's motions to suppress evidence and to dismiss the indictment.[1] As with the other pretrial motions in this case, these motions were referred to United States Magistrate Judge Frederick R. Buckles under 28 U.S.C. § 636(b). Judge Buckles received briefs and heard evidence related to the motions. He then filed his Report and Recommendation recommending that the motions be denied. Defendant Smith has filed objections to each of Judge Buckles' recommended rulings.

I have conducted a *de novo* review of the motions, including reviewing all briefs and transcripts and reviewing all evidence submitted at the hearing. I conclude Judge Buckles properly found the facts from the evidence and properly

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[1]Defendant Smith has also filed a motion for severance and a motion to suppress evidence obtained through electronic surveillance. They are dealt with in separate orders.

applied the law to those facts. I will therefore adopt the factual findings, the reasoning, and the legal conclusions reached by Judge Buckles.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge [#1000] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

IT IS FURTHER ORDERED that defendant James C. Smith's motions to suppress evidence [#313] and to dismiss the indictment [#316] are denied.

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CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 15th day of October, 2012.